

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

In re: Tommy F. Brixey Case No.: 09- 05716-8-RDD
Debtor(s)

Address: 3671 Meadow Rd. Chapter: 12
Lumberton, NC 28358

APPLICATION FOR EMPLOYMENT OF PROFESSIONAL PERSON

Pursuant to 11 U.S.C. §327, the undersigned hereby makes application to the Court for an order authorizing employment of professional person as follows:

1. The Debtor, Tommy F. Brixey, finds it shall be necessary to employ an attorney to provide legal services in his Chapter 12 case. Counsel has been paid the sum of \$10,273.00 for attorney's fees and \$273.00 for expenses. Of said amount \$4,013.55 has been applied to attorney fees and \$5,986.45 is held in trust.

2. That such employment of said professional person is in the best interest of the estate.

3. The Debtor wishes to employ David F. Mills, Attorney at Law, 1559-B Booker Dairy Rd., Smithfield, North Carolina, who is qualified in such matters to assist the Debtor as stated above.

4. Said professional person is a disinterested person who does not hold or represent an interest adverse to the estate.

5. Said professional person is qualified to assist the Debtor in the matters stated herein.

6. The Debtor has agreed to compensate for the attorney at the rate of \$195.00 per hour and \$97.50 per hour for legal assistance plus reimbursement for out-of-pocket fees and expenses, all subject to application and approval by the Bankruptcy Court.

7. That to the best of the Debtor's knowledge, the professional person named herein has no connection with the creditors or any other party in interest and any interested parties' respective attorneys, or accountants. Said attorney discloses that he has provided financial counseling to Tommy F. Brixey, and expects to continue to do so. Neither Debtor nor counsel knows of any present conflict relating thereto.

WHEREFORE, the undersigned Debtor prays the Court for an order authorizing him to employ David F. Mills for the purposes set out herein upon reasonable terms and conditions of employment.

This the 6th day of July, 2009.



Tommy F. Brixey

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AFFIDAVIT REGARDING EMPLOYMENT


DAVID F. MILLS, being first duly sworn, deposes and says in connection with the Debtor's application for authority to employ:

1. I do not hold or represent any interest adverse to the bankruptcy estate. I am a disinterested person except as noted in the Application for Employment of Professional Person filed herewith as contemplated under Section 327(a) of the Bankruptcy Code. However, for disclosure, the undersigned has provided legal counsel to Tommy F. Brixey. The undersigned expects to continue to do so unless and until an actual conflict becomes apparent.

2. I am the attorney for the Debtor.

This the 8th day of July, 2009.

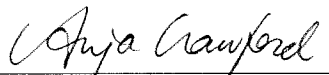
DAVID F. MILLS, P.A.
Attorney for the Debtor(s)
1559-B Booker Dairy Rd.
Smithfield, NC 27577
Telephone: (919) 934-7235
Facsimile: (919) 989-1529
Email: david@mills-law.com

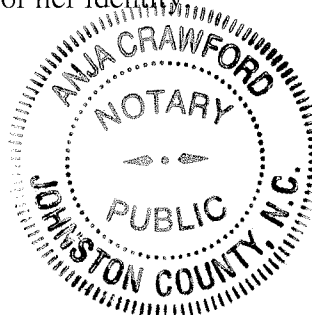
By: 
David F. Mills
State Bar No: 18326

NORTH CAROLINA
JOHNSTON COUNTY

Signed and sworn (or affirmed) before me this day by David F. Mills, who I personally know or who presented to me satisfactory evidence of his or her identity.

This the 8th day of July, 2009.


Notary Public: Anja Crawford
My Commission expires: January 28, 2014



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CERTIFICATE OF SERVICE

I, David F. Mills, Attorney at Law, 1559-B Booker Dairy Rd., Smithfield, North Carolina 27577, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 10th day of July, 2009, I served a copy of foregoing Application to Employ Professional Person on the following:

VIA CM/ECF

Mr. Richard M. Stearns
Chapter 12 Trustee
P.O. Box 2218
Kinston, NC 28502

VIA CM/ECF

Marjorie K. Lynch
Bankruptcy Administrator
P.O. Box 3758
Wilson, NC 27895-3758

I certify under penalty of perjury that the foregoing is true and correct.

This the 10th day of July, 2009.

DAVID F. MILLS, P.A.
Attorney for the Debtor(s)
1559-B Booker Dairy Rd.
Smithfield, NC 27577
Telephone: (919) 934-7235
Facsimile: (919) 989-1529
Email: david@mills-law.com

By: 

David F. Mills
State Bar No: 18326